

Senate Bill 120

By: Senators Seabaugh of the 28th, Balfour of the 9th, Stoner of the 6th, Chance of the 16th, Hill of the 32nd and others

**AS PASSED**

**AN ACT**

To enact the "Competitive Emerging Communications Technologies Act of 2006"; to provide legislative findings; to amend Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to telephone and telegraph service, so as to provide definitions; to provide that the Georgia Public Service Commission shall not impose any requirement relating to rates or terms and conditions for the offering of broadband service, voice over Internet protocol, or wireless service; to provide an effective date; to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

The General Assembly finds:

- (1) That it is in the public interest to encourage deployment of the emerging communications technologies of broadband service, voice over Internet protocol, and wireless service by expressly removing any power the Georgia Public Service Commission may have to set the rates and the terms and conditions for the offering of such services within Georgia;
- (2) That market based competition is the best mechanism for the selection and setting of such rates, terms, and conditions for such emerging communications technologies and to encourage the adoption and use of such services by Georgia consumers; and
- (3) That Georgia's consumers need timely and accurate information as to the actual cost and levels of delivered service in order to make informed market based choices among competing offerings of such emerging communications technologies.

**SECTION 2.**

Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to telephone and telegraph service, is amended by inserting a new article to be designated Article 6 to read as follows:

## ARTICLE 6

46-5-200.

This article shall be known and may be cited as the 'Competitive Emerging Communications Technologies Act of 2006.'

46-5-201.

As used in this article, the term:

(1) 'Broadband service' means a service that consists of the capability to transmit at a rate not less than 200 kilobits per second in either the upstream or downstream direction and in combination with such service provide either:

(A) Access to the Internet; or

(B) Computer processing, information storage, or protocol conversion.

For the purposes of this article, broadband service does not include any information content or service applications provided over such access service nor any intrastate service that was subject to a tariff in effect as of September 1, 2005.

(2) 'VoIP' means voice over Internet protocol services offering real time multidirectional voice functionality utilizing any Internet protocol.

(3) 'Wireless service' means commercial mobile radio service carried on between mobile stations or receivers and land stations and by mobile stations communicating among themselves.

46-5-202.

(a) The Public Service Commission shall not have any jurisdiction, right, power, authority, or duty to impose any requirement or regulation relating to the setting of rates or terms and conditions for the offering of broadband service, VoIP, or wireless service.

(b) This Code section shall not be construed to affect:

(1) State laws of general applicability to all businesses, including, without limitation, consumer protection laws and laws relating to restraint of trade;

(2) Any authority of the Public Service Commission with regard to consumer complaints;  
or

(3) Any authority of the Public Service Commission to act in accordance with federal laws or regulations of the Federal Communications Commission, including, without

limitation, jurisdiction granted to set rates, terms, and conditions for access to unbundled network elements and to arbitrate and enforce interconnection agreements.

(c) Except as otherwise expressly provided in this Code section, nothing in this Code section shall be construed to restrict or expand any other authority or jurisdiction of the Public Service Commission.

### **SECTION 3.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

### **SECTION 4.**

All laws and parts of laws in conflict with this Act are repealed.